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August 23, 2004
FACSIMILE COVER SHEET

OFFICIAL

TO: Office of Petitions
United States Patent and Trademark Office

FROM: Paul Burgess
781/674-7816

RE: U.S. Patent Application Number 10/766,631

OUR REF.: TPIP018X2

PAGES: 13 (including cover)

MESSAGE: Please see the attached Petition to Grant Filing Date for the above-referenced application. Please call me at 781/674-7816 if you have any questions.

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being transmitted via facsimile to (703) 872-9306 at the United States Patent and Trademark Office on August 23, 2003.

Signed:

A handwritten signature in black ink, appearing to read "Jacqui M. Vo".

Jacqui M. Vo

29 Hartwell Avenue, Lexington, MA 02421 (ph) 781-674-8000 (fax) 781-863-7208
www.transformpharma.com

Docket/Matter No. TPIP018X2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)
Applicant : Zhong Zhang et al.)
Appl. No. : 10/766,631) Grp./A.U. : Unassigned
Filed : January 28, 2004) Examiner : Unassigned
Title : AQUEOUS PHARMACEUTICAL)
COMPOSITIONS OF 2,6-)
DIISOPROPYLPHENOL)
(PROPOFOL) AND THEIR USES)

Assistant Commissioner for Patents
PO Box 1450
Alexandria, VA 22313
Box: Missing Parts

PETITION TO GRANT FILING DATE

Sir:

In response to the Notice of Incomplete Nonprovisional Application dated June 21, 2004, Applicants respectfully petitions that the filing date of January 28, 2004 be accorded to the above-referenced application as the drawings were filed with the original application. Enclosed please find a copy of the following:

1. A copy of the five (5) sheets of drawings that were submitted with the application on January 28, 2004;
2. Copy of the Transmittal letter listing the five (5) sheets of drawings; and
3. Certificate of mailing listing the five (5) sheets of drawings and the return postcard listing the five (5) sheets of drawings stamped as received by the PTO with a serial number and filing date.

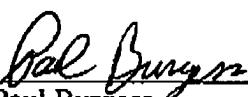
Applicant respectfully requests that the filing date of January 28, 2004 be accorded to the above-referenced application as it has been shown the drawings were filed with the original application.

The Commissioner is hereby authorized to charge the required fee of \$130.00 to
Deposit Account No. 50-2626 (Order No. TPIP018X2).

Respectfully submitted,

Date: August 23, 2004

By:

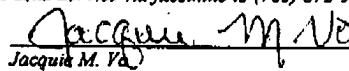


Paul Burgess
Reg. No. 53,852

Certificate of Facsimile

Date of Deposit: 8/23/04

I hereby certify that this correspondence is being deposited with the United States
Postal Service via facsimile to (703) 872-9306, on the Date of Deposit shown above.


Jacqueline M. Va

Transform Pharmaceuticals, Inc.
29 Hartwell Avenue
Lexington, MA 02421
Telephone: (781) 674-7852
Facsimile: (781) 863-8914

Express Mail No.: 90297552000 US
Date Mailed: January 23, 2004
Application No.: Filed: Heron Pls.
Inventor: Thor G. Holm
For: *Quintus Pharmaceuticals Inc. Compositions of*
Desipramine Hydrochloride (Proprietary)

Affidavit/Declaration
 Amendment
 Application 47 pages
 1 Claims 5 Drawings
 Appeal, Notice of
 Assignment
 Brief
 Declaration & Power of Attorney
 Design Application
 Disclaimer
 Disclosure Statement
 [] w/refs. [] w/o refs.
 Formal Drawings
 Sheets Figures
 Response to Office Action
 Response to Missing Parts

Fee Address Indication Form
 Fee Calculation
 Issue Fee Transmittal Letter
 Oral Hearing Req./Confirmation
 Petition to Extend Time
 Petition Under 37 C.F.R.
 Power of Attorney
 Associate w/Revocation
 Sequence Listing
 [] w/ Computer Readable Copies [] w/ Paper Copies
 Small Entity Statement
 Status Letter
 Transmittal Letter
 Correction of Filing Receipt
 Response to Election Requirement

22264 U.S. PTO
10/766631

012804

Other: *Proprietary*

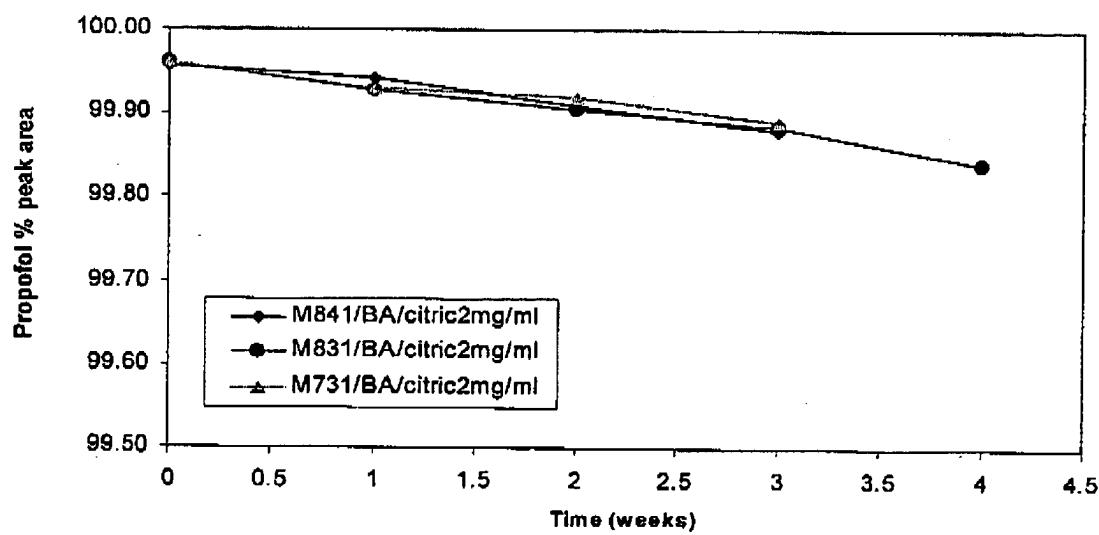
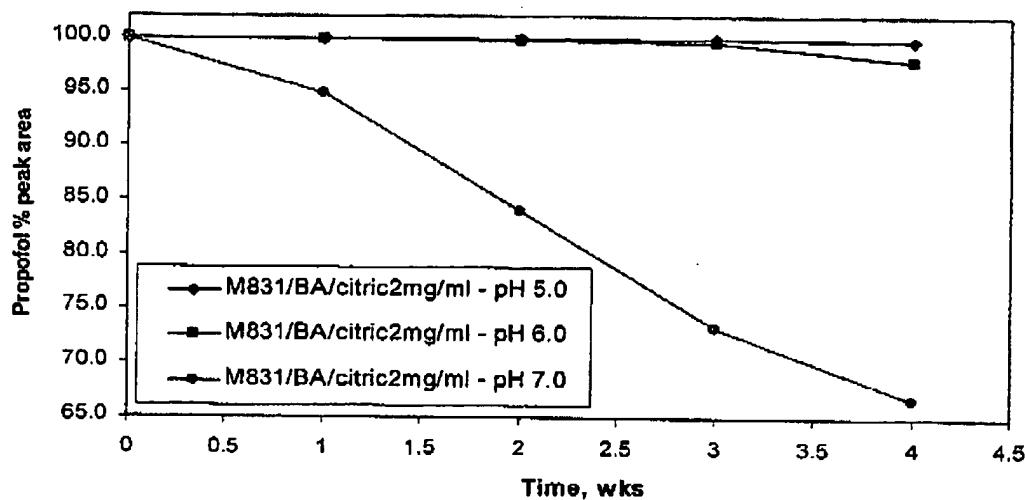
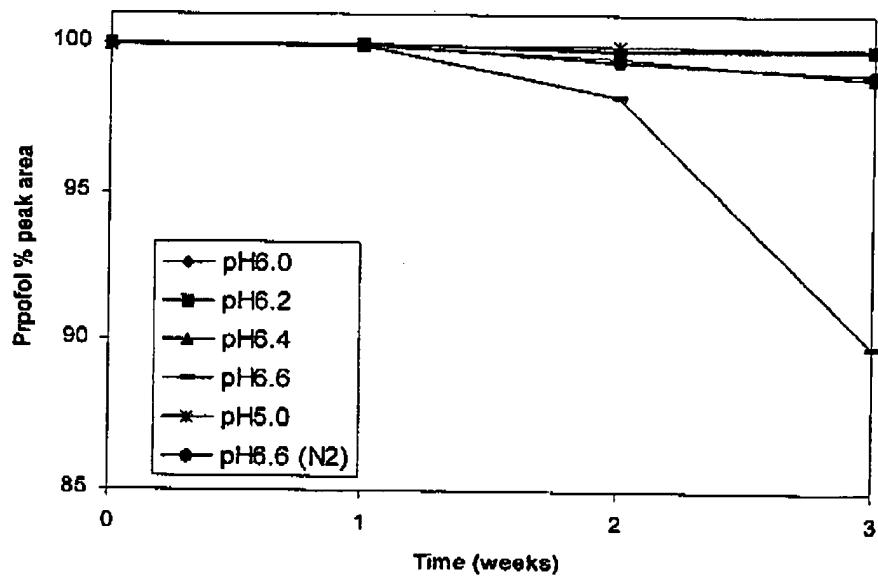


Figure 1

**Figure 2A****Figure 2B**

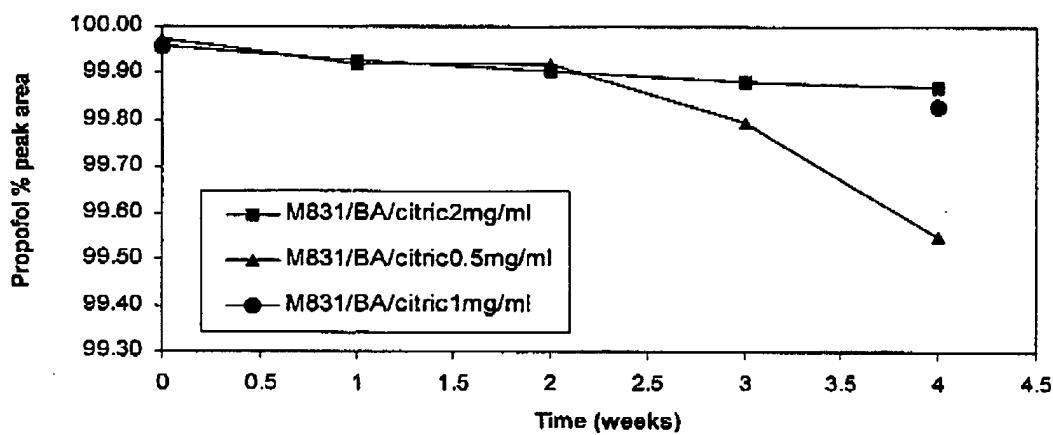


Figure 3

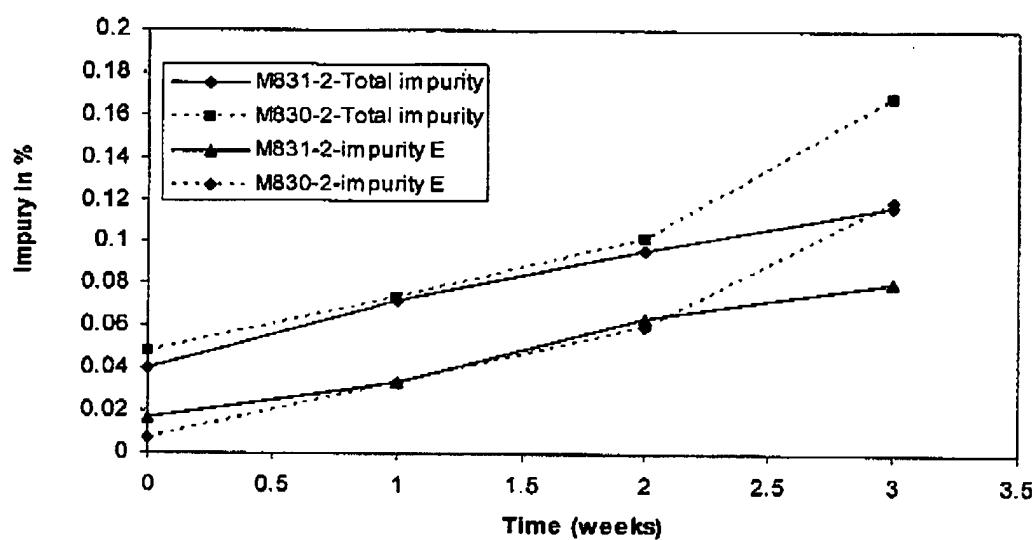
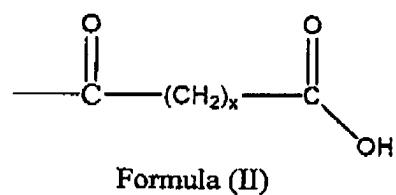
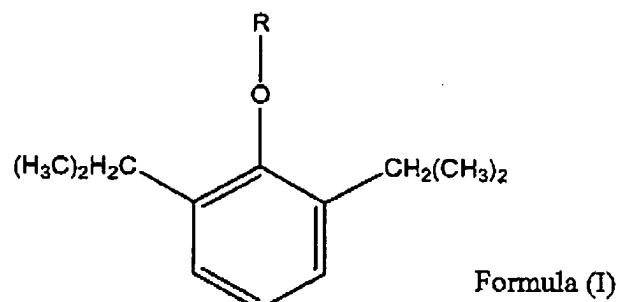
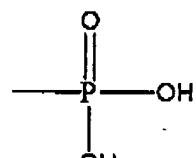


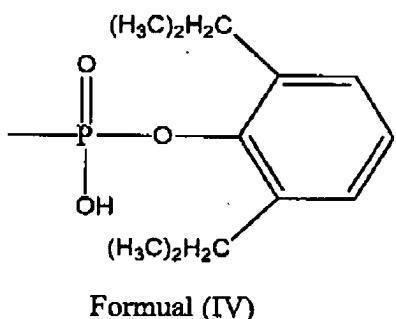
Figure 4



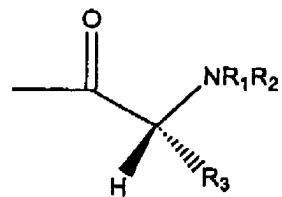
Formula (II)



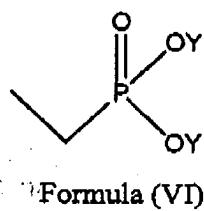
Formula (III)



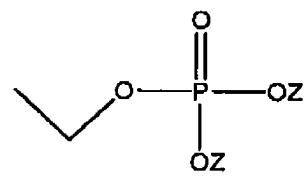
Formula (IV)



Formula (V)



Formula (VI)



Formula (VII)

Figure 5

EV297552000US

Approved for use through 07/31/2006, OMB 0651-0032
 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents.</i>		ADDRESS TO: <small>Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450</small>	
1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <small>(Submit an original and a duplicate for fee processing)</small>		7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)	
2. <input checked="" type="checkbox"/> Applicant claims small entity status. <small>See 37 CFR 1.27.</small>		8. Nucleotide and/or Amino Acid Sequence Submission <small>(If applicable, all necessary)</small>	
3. <input checked="" type="checkbox"/> Specification [Total Pages <u>44</u>] <small>(preferred arrangement set forth below)</small> <ul style="list-style-type: none"> - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure 		a. <input type="checkbox"/> Computer Readable Form (CRF)	
4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets <u>5</u>]		b. <input type="checkbox"/> Specification Sequence Listing on: <ul style="list-style-type: none"> i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper 	
5. Oath or Declaration <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <small>(for continuation/divisional with Box 18 completed)</small> <ul style="list-style-type: none"> i. <input type="checkbox"/> DELETION OF INVENTOR(S) <small>Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</small> 		c. <input type="checkbox"/> Statements verifying identity of above copies	
6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76		ACCOMPANYING APPLICATION PARTS	
18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:		9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney <small>(when there is an assignee)</small>	
		11. <input type="checkbox"/> English Translation Document (if applicable) 12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations	
		13. <input type="checkbox"/> Preliminary Amendment 14. <input type="checkbox"/> Return Receipt Postcard (MPEP 503) <small>(Should be specifically itemized)</small>	
		15. <input type="checkbox"/> Certified Copy of Priority Document(s) <small>(if foreign priority is claimed)</small>	
		16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.	
		17. <input type="checkbox"/> Other:	

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-In-part (CIP)

of prior application No.: 10/628,308

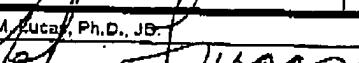
Prior application information:

Examiner _____

Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number: 34846		OR <input type="checkbox"/> Correspondence address below		
Name _____		_____		
Address _____		_____		
City _____		State _____	Zip Code _____	
Country _____		Telephone _____	Fax _____	
Name (Print/Type) John M. Lucas, Ph.D., J.D.		Registration No. (Attorney/Agent) 43,373		Date 1/28/04
Signature 				

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments and suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

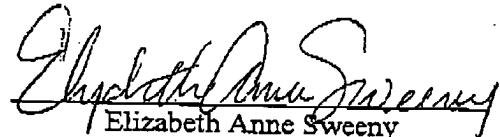
Docket No.: TPIP018X2

Title: Aqueous Pharmaceutical Compositions of 2,6-Diisopropylphenol (Propofol) and their Uses
By: Zhong Zhang et al.
Filed: Herewith

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.10

I hereby certify that this Request for filing a Utility Patent Application under 35 U.S.C. 371, and any documents referred to as attached therein, are being deposited with the United States Postal Service on this date, January 28, 2004, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10, Mailing Label Number EV297552000US, addressed to Box Patent Application, Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

1. Utility Patent Transmittal
2. Fee Transmittal with copy to charge deposit account
3. Power of Attorneys (3 Sheets)
4. Declaration (3 Sheets)
5. Specification (44 sheets)
6. Drawings (5 sheets)
7. Cover sheet (1 sheet)
8. Return Receipt Postcard


Elizabeth Anne Sweeny

Date: January 28, 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 171 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/766,631	01/28/2004	Zhong Zhang	TPIP018X2

34846
 TRANSFORM PHARMACEUTICALS, INC.
 29 HARTWELL AVENUE
 LEXINGTON, MA 02421

CONFIRMATION NO. 3752
FORMALITIES LETTER

 OC000000013002382

Date Mailed: 06/21/2004

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

Customer Service Center
 Initial Patent Examination Division (703) 308-1202

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PART 2 - COPY TO BE RETURNED WITH RESPONSE